

THIRD DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, April 8, 1882. }

Senate met pursuant to adjournment.

The President in the chair.

Roll called; quorum present.

Prayer by Chaplain.

On motion of Senator Homan, reading of minutes of yesterday's proceedings was dispensed with.

Senator Stubbs, for Finance Committee, reported as follows:

COMMITTEE ROOM, }
AUSTIN, April 8, 1882. }

Hon. L. J. Storey, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 9, entitled "An act to extend the time within which all persons whose lands have been sold for taxes, and bought in by the State, may redeem the same," have considered the same, and instruct me to report the bill back and recommend its passage.

STUBBS, for Committee.

Senator Wynne introduced a bill entitled "An act to be entitled an act to amend section 18 of an act entitled 'an act to establish the University of Texas.'" Referred to Committee on Education.

Senator Harris introduced a bill entitled "An act to amend articles 4256 and 4257 of the Revised Civil Statutes." Referred to Committee on Internal Improvements.

Senator Cooper introduced a bill entitled "An act to divide the State of Texas into eleven congressional districts, and to provide for the election of one member of the House of Representatives from each of said districts." Referred to Committee on Congressional Affairs.

Senator Harris offered the following resolution:

Resolved, That the Committee on Public Printing be authorized to contract for the printing of one hundred copies, daily, of the journal of the Senate, in quarto form (in addition to the number already ordered), to be delivered to the House of Representatives, in exchange for copies of the House journal, to be delivered to the Senate.

Adopted.

Senator Shannon asked permission to withdraw bill presented yesterday entitled "An act to amend section 5, chapter 105, General Laws of the State of Texas, passed at the regular session of the Seventeenth Legislature," approved April 6, 1881. Granted.

Senator Homan offered the following resolution:

WHEREAS, His Excellency, the Governor, has suggested to the Legislature the propriety of reducing the ad valorem and occupation taxes; and

Whereas, The poll taxes as now assessed upon the people are believed to be greater than the necessities of the State and a sound public policy require; and there having been at the recent regular session of the Legislature a material reduction of ad valorem and occupation taxes without any reduction of poll taxes.

Resolved, That the Governor be and he is hereby respectfully requested to submit for the consideration of the Legislature the question of a reduction of the poll taxes.

Lost by the following vote:

YEAS—12.

Brown,	Martin,	Shannon,
Burton,	McLane,	Stewart,
Cooper,	McDonald,	Stubbs,
Davis,	Patton,	Swain.
Homan,		

NAYS—17.

Buchanan,	Hightower,	Ross,
Davenport,	Houston,	Terrell,
Duncan,	Lair,	Tilson,
Gooch,	Lightfoot,	Weathered,
Harris,	Moore,	Wynne.
Henderson,	Rainey,	

Senator Moore offered the following resolution, which was adopted:

Resolved, That the Secretary of the Senate be, and he is hereby

authorized, to have one hundred copies of the standing committees of this body printed for the use of the Senate.

A message was received from the House announcing the passage, by that body, of House bill No. 7, entitled "An act making an appropriation for mileage and per diem pay of members and per diem pay of officers and employees of the called session of the Seventeenth Legislature."

Also, House bill No. 12, entitled "An act making an appropriation to defray the contingent expenses of the Seventeenth Legislature, convened on April 6, 1882, in extra session, by proclamation of the Governor."

The following resolution was received from the House:

Resolved, That the Sergeant-at-Arms of the House of Representatives be instructed to arrange with the Sergeant-at-Arms of the Senate for an exchange daily of the advance sheets of the journal of each body, and that a copy of the advance sheets of the journal of Senate, if furnished, be laid on the desk of each member of the House every morning as early as practicable.

Adopted on motion of Senator Stubbs.

Also, the following:

Resolved, by the House of Representatives, Senate concurring, That we tender our sincere thanks, in the name of the people of this State, to Lieutenant J. L. Bullis, of the Twenty-fourth Infantry, United States Army, for gallant and efficient service rendered by him and his command in behalf of the frontier of this State, in repelling the depredations of Indians and other enemies of the frontier of Texas.

Referred to Committee on State Affairs, on motion of Senator Stubbs.

Senator Stewart moved that one hundred copies of Senator Cooper's bill on apportionment be printed for the use of the Senate.

Senator Davenport moved to amend by inserting "and all bills on that subject heretofore introduced, or to be introduced hereafter."

Amendment accepted, and motion, as amended, adopted.

The following message was received from the Governor:

EXECUTIVE OFFICE,
AUSTIN, April 7, 1882.

To the Honorable Senate and House of Representatives in the Legislature assembled:

I respectfully submit for your action, at this special session, the subject embraced in the accompanying recommendation in regard to the location and survey of lands set apart for unorganized county school lands, and recommend immediate action thereon.

Respectfully submitted,

O. M. ROBERTS, Governor.

EXECUTIVE OFFICE,
AUSTIN, April 7, 1881.

WHEREAS, We, the board authorized by the act of March 6, 1881, to contract for the location and survey of 300 leagues of land for the benefit of the unorganized counties of the State, have learned that large amounts of land are being filed on, under authority of the acts of July 14, 1879, and March 11, 1881, which provide for the sale of a portion of the public domain at fifty cents per acre; and

WHEREAS, The survey of said lands has not been completed, and may not be until all the available land has been covered by files, to the exclusion of said unorganized counties; therefore, be it

Resolved, That the Governor be requested to call attention of the Legislature to these facts, and recommend that the unappropriated lands in the counties of Bailey, Lamb, Hale, Floyd, Motley, Cottle, Childress, Hall, Briscoe, Swisher, Castro and Parmer be reserved from the mode of appropriation by certificate, file or entry, except for homestead donation to actual occupants, until the survey of the above 300 leagues shall have been completed.

O. M. ROBERTS, Governor,
F. R. LUBBOCK, Treasurer,
W. M. BROWN, Comptroller,
J. H. MCLEARY, Attorney-General,
W. C. WALSH, Com. Gen'l Land Office.

On motion of Senator Houston, the above message and accompanying recommendation were referred to Committee on Public Lands, with instructions to report by bill or otherwise.

On motion of Senator Tilson, the Governor's message,

read in the Senate yesterday, under its various heads, was referred as follows: To Committees on Congressional Apportionment, State Senatorial and Representative Apportionment, State Affairs, Asylums, Penitentiary, Education, Public Lands, Internal Improvements, Finance, Federal Relations

On motion of Senator Gooch, Senator Burges was excused on account of sickness.

On motion of Senator Gooch, Senator Houston was excused after the morning session till noon of the seventeenth.

On motion of Senator Henderson, Senator Stewart was excused after the morning session till noon of the seventeenth.

On motion of Senator Harris, Senator Brown was excused till next Wednesday.

The President referred House bills Nos. 7 and 12, reported from the House this morning, to Committee on Finance.

Senator Stubbs offered the following resolution:

WHEREAS, His Excellency, the Governor, in his message has presented for legislative inquiry and consideration matters connected with the hiring of county convicts, which part of the message is as follows:

"I beg leave * * * to call your attention to, and ask your action upon, at this session if found necessary, the practice in some counties of hiring county convicts to persons who carry them to distant counties, sometimes to unhealthy localities, where they are not treated as they should be. I have but limited information on this subject, but have incidentally learned of such practice, and mention it that it may be inquired into and corrected, if it should be found to be an evil, without authority of law, as I suppose it to be."

Therefore be it Resolved, That Judiciary Committee No. 2 be, and are hereby, instructed to inquire into the subject above indicated, and into all other abuses growing out of the present system of hiring county convicts, and recommend such legislation as they may deem proper, reporting by bill or otherwise:

Referred to Judiciary Committee No. 2.

The following concurrent resolution, passed by the House and reported this morning to the Senate, was read:

Resolved by the House of Representatives, the Senate concurring, That the joint resolution adopted by the regular session of the Seventeenth Legislature, providing for the appointment of a joint committee of the House and Senate on congressional apportionment be, and the same is hereby rescinded; and that each house appoint such committee or committees on apportionment as they respectively may see proper.

Adopted, on motion of Senator Tilson.

The following concurrent House resolution was also read:

WHEREAS, A scandalous publication has been made in the San Antonio Daily Express, of date April 6, 1882, charging grave irregularities in the conduct of Blind Asylum, an institution of this State, which demands investigation at the hands of this Legislature;

Resolved, That a committee of three from the House, to act in conjunction with a like committee of three from the Senate, be appointed, whose duty it shall be to examine into and investigate the charges made, and make such report as they may deem proper in the premises.

On motion of Senator Lair, the resolution was adopted by the following vote:

YEAS—20.

Buchanan,	Henderson,	Rainey,
Brown,	Houston,	Shannon,
Burton,	Lair,	Stubbs,
Cooper,	Martin,	Swain,
Davis,	McLane,	Terrell,
Gooch,	Moore,	Tilson.
Harris,	Patton,	

NAYS—10.

Davenport,	Lightfoot,	Stewart,
Duncan,	McDonald,	Weathered,
Hightower,	Ross,	Wynne.
Homan,		

The President appointed Senators Lair, Henderson and Burges on said committee.

Senator Lightfoot, chairman of the Senate committee appointed to act with a like committee from the House, to provide temporary apartments for the Supreme Court, Court of Appeals and Commissioners of Appeals, submitted the following report:

COMMITTEE ROOM,
AUSTIN April 8, 1882.

To the Hon. President of the Senate and Speaker of the House of Representatives:

Your joint committee, to whom was referred a joint resolution "To make selection of places of meeting, suitable buildings and offices for the Supreme Court, Court of Appeals and Commissioners of Appeals," have performed the duty assigned them, and beg leave to report as follows:

They find but one building now vacant which will accommodate the several courts during the present term of court, and they recommend the temporary renting of the same, until the Legislature, during the present session, can make permanent arrangements. The building is on Congress Avenue, and is owned by William Brueggerhoff, who proposes to rent the upper story and six rooms on the second floor, for three months, for \$562.50. For the information of the Legislature, we also report that he proposes to sell the building for forty thousand dollars, and to give bond to repurchase at the same figure, or to make good any deficit if sold to another, when the new capitol is finished. Other buildings, it is understood, will be offered for sale; and the above is communicated only for the information of the Legislature. We report the accompanying "Act to provide for temporary quarters for the courts," and recommend its passage.

FRED CARLETON,	H. W. LIGHTFOOT,
J. J. FAULK,	W. K. HOMAN,
W. F. UPTON,	A. W. TERRELL,
House Committee.	Senate Committee.

Senator Stubbs, for Committee on Finance, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, April 8, 1882. }

Hon. L. J. Storey, President of the Senate:

Your Committee on Finance, to whom was referred House bill No. 7, entitled "An act making an appropriation for mileage and per diem pay of members, and per diem pay of officers and employees of the called session of the Seventeenth Legislature," have considered the same, and instruct me to report it back and recommend its passage.

STUBBS, for Committee.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, April 8, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Finance, to whom was referred House bill No. 12, entitled "An act making an appropriation to defray the contingent expenses of the Seventeenth Legislature, convened on April 6, 1882, in extra session, by proclamation of the Governor," have considered the same, and instruct me to report it back and recommend its passage, with the following amendments:

1. After the word "that," on line twenty-one of first page, insert the words "except in the case of accounts for printing done and stationery furnished."

2. And on same page, after the word "fund," on line thirty-one, insert the words, "The accounts for printing and stationery shall take the course prescribed by the Revised Statutes."

3. On page two, strike out the words, on lines three, four and five, "and the peculiar circumstances of the members and employees of the Seventeenth Legislature,"

STUBBS, for Committee.

Bill read first time with committee amendments.

On motion of Senator Stubbs, rules were suspended and House bill No. 7, entitled "An act making an appropriation for the mileage and per diem pay of members and per diem pay of the officers and employees of the called session of the Seventeenth Legislature," was taken up and placed on its second reading by the following vote:

YEAS—29.

Buchanan,	Homan,	Ross,
Brown,	Houston,	Shannon,
Burton,	Lair,	Stewart,

Cooper,
Davenport,
Duncan,
Gooch,
Harris,
Henderson,
Hightower,

Lightfoot,
Martin,
McLane,
McDonald,
Moore,
Patton,
Rainey,

Stubbs,
Swain,
Terrell,
Tilson,
Weatherred,
Wynne.

NAYS—1.

Davis.

Bill read second time.

On motion of Senator Stubbs, rules were further suspended and bill placed on its third reading by the following vote:

YEAS—30.

Buchanan,
Brown,
Burton,
Cooper,
Davenport,
Duncan,
Davis,
Gooch,
Harris,
Henderson,

Hightower,
Homan,
Houston,
Lair,
Lightfoot,
Martin,
McLane,
McDonald,
Moore,
Patton,

Rainey,
Ross,
Shannon,
Stewart,
Stubbs,
Swain,
Terrell,
Tilson,
Weatherred,
Wynne.

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—30.

Buchanan,
Brown,
Burton,
Cooper,
Davenport,
Duncan,
Davis,
Gooch,
Harris,
Henderson,

Hightower,
Homan,
Houston,
Lair,
Lightfoot,
Martin,
McLane,
McDonald,
Moore,
Patton,

Rainey,
Ross,
Shannon,
Stewart,
Stubbs,
Swain,
Terrell,
Tilson,
Weatherred,
Wynne.

NAYS—none.

Senator Houston moved to suspend rules to take up Senate bill No. 12, entitled "An act to provide temporary rooms for the Supreme Court, Court of Appeals, Commissioners of Appeals, and the law library of the State, at Austin." Adopted, and bill taken up and placed on its second reading by the following vote:

YEAS—30.

Buchanan,
Brown,
Burton,
Cooper,
Davenport,
Duncan,
Davis,
Gooch,
Harris,
Henderson,

Hightower,
Homan,
Houston,
Lair,
Lightfoot,
Martin,
McLane,
McDonald,
Moore,
Patton,

Rainey,
Ross,
Shannon,
Stewart,
Stubbs,
Swain,
Terrell,
Tilson,
Weatherred,
Wynne.

NAYS—none.

Bill read second time.

On motion of Senator Houston, House bill No. 31, of like import, reported to the Senate this morning, was adopted as a substitute.

Substitute was read by the Secretary.

On motion of Senator Houston, the rules were suspended and the bill placed on its third reading, by the following vote:

YEAS—30.

Buchanan,
Brown,
Burton,
Cooper,
Davenport,
Duncan,
Davis,
Gooch,

Hightower,
Homan,
Houston,
Lair,
Lightfoot,
Martin,
McLane,
McDonald,

Rainey,
Ross,
Shannon,
Stewart,
Stubbs,
Swain,
Terrell,
Tilson,

Harris,
Henderson,

Moore,
Patton,

Weatherred,
Wynne.

NAYS—none.

Bill read third time, and passed by the following vote:

YEAS—30.

Buchanan,
Brown,
Burton,
Cooper,
Davenport,
Duncan,
Davis,
Gooch,
Harris,
Henderson,

Hightower,
Homan,
Houston,
Lair,
Lightfoot,
Martin,
McLane,
McDonald,
Moore,
Patton,

Rainey,
Ross,
Shannon,
Stewart,
Stubbs,
Swain,
Terrell,
Tilson,
Weatherred,
Wynne.

NAYS—none.

Senator Stubbs moved to suspend the rules, to take up House bill No. 12, entitled "An act making an appropriation to defray the contingent expenses of the Seventeenth Legislature, convened on April 6, 1882, in extra session, by proclamation of the Governor:

Adopted, and bill taken up by the following vote:

YEAS—30.

Buchanan,
Brown,
Burton,
Cooper,
Davenport,
Duncan,
Davis,
Gooch,
Harris,
Henderson,

Hightower,
Homan,
Houston,
Lair,
Lightfoot,
Martin,
McLane,
McDonald,
Moore,
Patton,

Rainey,
Ross,
Shannon,
Stewart,
Stubbs,
Swain,
Terrell,
Tilson,
Weatherred,
Wynne.

NAYS—none.

Bill read second time and committee amendments, 1, 2 and 3 adopted, on motion of Senator Stubbs.

Rules were further suspended, on motion of Senator Stubbs, and bill passed to its third reading by the following vote:

YEAS—29.

Buchanan,
Brown,
Burton,
Cooper,
Davenport,
Duncan,
Davis,
Gooch,
Harris,
Henderson,

Hightower,
Homan,
Houston,
Lair,
Lightfoot,
Martin,
McLane,
McDonald,
Moore,
Patton,

Rainey,
Ross,
Shannon,
Stubbs,
Swain,
Terrell,
Tilson,
Weatherred,
Wynne.

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—29.

Buchanan,
Brown,
Burton,
Cooper,
Davenport,
Duncan,
Davis,
Gooch,
Harris,
Henderson,

Hightower,
Homan,
Houston,
Lair,
Lightfoot,
Martin,
McLane,
McDonald,
Moore,
Patton,

Rainey,
Ross,
Shannon,
Stubbs,
Swain,
Terrell,
Tilson,
Weatherred,
Wynne.

NAYS—none.

Senator Buchanan, by leave, introduced a bill entitled "An act amendatory of an act entitled 'an act to amend articles 4662, 4664 and 4665, of the Revised Statutes, adopted February 28, 1879, passed by the Seventeenth Legislature, reducing ad valorem and occupation taxes.' Referred to Committee on Finance.

On motion of Senator Stubbs, Senate adjourned till Monday morning at 9:30.